

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

KURT J. COFANO,

Debtor,

WELLS FARGO BANK, N.A.,

Movant,

vs.

Bankruptcy No. 20-20810-CMB

Chapter 7

Document No.

Related to Doc No. 24

**Hearing Date and Time:
May 12, 2020 at 10:00 A.M.**

KURT J. COFANO,

Respondent.

RESPONSE TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW comes Kurt J. Cofano, by and through his Counsel, Robert O Lampl, John P. Lacher, Ryan J. Cooney, Sy O. Lampl and Alex L. Holmquist, and files the following **RESPONSE TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY**, as follows:

1. The averments of Motion Paragraph 1 are admitted.
2. The averments of Motion Paragraph 2 are admitted.
3. The averments of Motion Paragraph 3 are denied to the extent that Movant's characterization of the Mortgage deviates from its plain language as the Mortgage is a written document which speaks for itself.
4. The averments of Motion Paragraph 4 are legal conclusions for which no response is required. To the extent a response is required, the averments are Denied to

the extent that Movant's characterization of the Mortgage deviates from its plain language as the Mortgage is a written document which speaks for itself.

5. The averments of Motion Paragraph 5 are beyond the knowledge and information of the Debtor who does not know how said alleged sum due was calculated, whether all payments made by the Debtor were properly applied or whether the amount claimed is otherwise incorrect or improper. As such, the amount claimed due is denied and strict proof thereof is demanded.

By way of further response, while the Debtor lacks knowledge and information as to the accuracy of the principal amount claimed due, the Debtor does acknowledge that the amount claimed, if inaccurate, is not grossly inaccurate and is certainly in the ballpark as to the amount of principal owed.

6. The averments of Motion Paragraph 6 are beyond the knowledge and information of the Debtor who does not know how said alleged sum due was calculated, whether all payments made by the Debtor were properly applied or whether the amount claimed is otherwise incorrect or improper. As such, the amount claimed due is denied and strict proof thereof is demanded.

7. The averments of Motion Paragraph 7 are beyond the knowledge and information of the Debtor who does not know how said alleged sum due was calculated, whether all payments made by the Debtor were properly applied or whether the amount claimed is otherwise incorrect or improper. As such, the amount claimed due is denied and strict proof thereof is demanded.

8. The averments of Motion Paragraph 8 are beyond the knowledge and

information of the Debtor who does not know how said alleged sum due was calculated, whether all payments made by the Debtor were properly applied or whether the amount claimed is otherwise incorrect or improper. As such, the amount claimed due is denied and strict proof thereof is demanded.

9. The averments of Motion Paragraph 9 are legal conclusions for which no response is required. To the extent a response is required, the averments of Motion Paragraph 9 are beyond the knowledge and information of the Debtor and are therefore denied, with strict proof thereof being demanded.

10. The averments of Motion Paragraph 10 are legal conclusions for which no response is required. To the extent a response is required, the averments of Motion Paragraph 10 are beyond the knowledge and information of the Debtor and are therefore denied, with strict proof thereof being demanded.

11. The averments of Motion Paragraph 11 are legal conclusions for which no response is required. To the extent a response is required, the averments are denied to the extent that Movant's characterization of EXHIBIT B deviates from its plain language as EXHIBIT B is a written document which speaks for itself.

12. The averments of Motion Paragraph 12 are legal conclusions for which no response is required. To the extent a response is required, the averments are denied to the extent that characterization of the Statement of Intentions deviates from its plain language as the Statement of Intentions is a written document which speaks for itself.

13. The averments of Motion Paragraph 13 are legal conclusions for which no response is required. To the extent a response is required, the averments of Motion

Paragraph 13 are beyond the knowledge and information of the Debtor and are therefore denied, with strict proof thereof being demanded.

14. The averments of Motion Paragraph 14 are legal conclusions for which no response is required. To the extent a response is required, the averments of Motion Paragraph 14 are beyond the knowledge and information of the Debtor and are therefore denied, with strict proof thereof being demanded.

15. The averments of Motion Paragraph 15 are legal conclusions for which no response is required.

16. The averments of Motion Paragraph 16 are legal conclusions for which no response is required. To the extent a response is required, the averments of Motion Paragraph 16 are beyond the knowledge and information of the Debtor and are therefore denied, with strict proof thereof being demanded.

17. The averments of Motion Paragraph 17 are legal conclusions for which no response is required.

18. The averments of Motion Paragraph 18 constitute a prayer for relief to which no response is required. To the extent a response is required, Debtor has no objection to communications with his counsel, but denies that there exists a basis for direct communication with the Debtor himself.

19. Admitted.

WHEREFORE, it is respectfully requested that this Honorable Court enter an order denying the Motion.

Respectfully Submitted,

Date: May 4, 2020

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
RYAN J. COONEY
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CERTIFICATE OF SERVICE

I, Robert O Lampl, hereby certify, that on the 4th day of May, 2020, a true and correct copy of the foregoing **RESPONSE TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY** was served upon the following (*via electronic service*):

Office of the U.S. Trustee
970 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222

Thomas Song, Esq.
Phelan Hallinan Diamond & Jones, LLP
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Date: May 4, 2020

/s/ Robert O Lampl
ROBERT O LAMPL
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